

### **Remarks**

Claims 1-29 are pending. Claims 1-29 are rejected.

Claims 1-3, 6, 10-12, 14-17, 20, 24-25 and 27-29 are rejected under 35 USC 102(b) as being anticipated by WO 99/47907 (Rosemberg). Claims 1-29 are rejected under 35 USC 102(a) as being anticipated by “A Microsystem for Near-Patient Accelerated Clotting Time Blood Test” (Martin). Claims 1-3, 5-8, 10-17, 19-22 and 24-29 are rejected under 35 USC 102(a) as being anticipated by WO 02/050534 (Richter). Claims 4, 9, 18 and 23 are rejected under 35 USC 103(a) as being unpatentable over Richter.

Claim 1 has been amended to substantially include the limitations of claims 2 and 4. Claim 15 has been amended to substantially include the limitations of claims 16 and 18. Claims 2-4 and 16-18 have been cancelled. Claims 5-6 have been amended to depend from claim 1. Claims 19-20 have been amended to depend from claim 15.

With regard to amended claim 1, Examiner does not cite any teachings of Martin directed to conductive traces variably spaced along the length of the channel. “To anticipate a claim, the reference must teach every element of the claim.” MPEP 2131.

With regard to amended claim 1, Examiner asserts that “it would have been obvious . . . to variably space the electrodes along the microchannel in the device taught by Richter et al so as to help increase the resolution of the capacitance.” Examiner’s assertion, however, does not establish a *prima facie* case of obviousness. “The prior art reference . . . must teach or suggest all the claim limitations.” MPEP 2143. Examiner admits, however, that “Richter et al fail to teach that the electrodes can be variable spaced along the length of the channel . . . .” Office Action, May 15, 2007, p. 7. Furthermore, Examiner appears to impermissibly rely on Applicants’ own disclosure in explaining why such limitation would be obvious. Applicants state that “Figure 13f shows that the electrodes can have changing separations to help increase the resolution of the impedance measurement at long blood flow distances.” Application, p. 17, ll. 8-10.

For the reasons amended claim 1 is patentable, amended claim 15 is patentable.

The dependent claims are patentable because they depend from one of the independent claims.

Applicants' Attorney submits that the claims are in a condition for allowance. Applicants' Attorney respectfully requests a notice to that effect. Applicants' Attorney also invites a telephone conference if Examiner believes that it will advance the prosecution of this application.

Please charge any fees or credit any overpayment as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

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